

Message Text

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ORIGIN OPIC-12

INFO OCT-01 EA-11 ADP-00 EB-11 AID-20 L-03 IGA-02 /060 R

66643

DRAFTED BY: OPIC/GC:HUNT

APPROVED BY: EB/IDF/OIA.MKENNEDY

CLEARANCES EB/IFD/OIA,W COURTNEY

OPIC/T, L NIELSON(INFO)

EA/TB-JKNOWLES

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R 302154Z AUG 73

FM SECSTATE WASHDC

TO AMEMBASSY BANGKOK

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E.O. 11652: N/A

TAGS: E, FIN, TH

SUBJECT: CALABRIAN

REF: BANGKOK 13501

FOR BOORADY

1. REFERENCE 8/16/73 BOORADY TO HUNT LETTER AND 8/17/73

WHIPHAT TO BOORADY LETTER.

2. MICOU REMAINS UNAVAILABLE TO TESTIFY IN BANGKOK DUE

REQUIREMENTS U.N. JOB. ACCORDINGLY, SUGGEST YOU

PROCEED WITH ARRANGEMENTS TO TAKE HIS TESTIMONY BY DEPOSITION

OR WRITTEN INTERROGATORIES.

3. BELIEVE WRITTEN INTERROGATORIES SUITABLE FOR LIMITED SET

OF QUESTIONS WIPAT PROPOSES TO PUT TO MICOU, AND THIS PROCEDURE

MAY REDUCE TRANSLATION BURDEN AND RESTRAIN PLAINTIFF FROM GOING

FAR AFIELD IN CROSS-EXAMINATION. HAS LYMAN INDICATED WILLINGNESS

TO PROCEED WITH AGREED SET OF QUESTIONS TO BE ANSWERED BEFORE

THAI CONSUL IN NEW YORK? 28 USC SECTION 1782(B) ALLOWS

BROAD LEEWAY AT US END FOR VOLUNTARY ARRANGEMENTS, SO

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PROCEDURES CAN BE AS INFORMAL AS THAI CODE AND COURT WILL PERMIT.

4. NECESSITY FOR TRANSLATION AND TRANSMITTAL OF COMPLETE COURT RECORD DIFFICULT TO UNDERSTAND. CAN THIS BE LIMITED BY STIPULATION TO THOSE EXHIBITS TO WHICH WITNESS TESTIMONY WILL BE ADDRESSED? (FOR MICOU THIS SHOULD INVOLVE ONLY DOCUMENTS WHERE ORIGINAL IS IN ENGLISH).

5. DO THAI PROCEDURES REQUIRE INVOLVEMENT OF U.S. COURT? WIPHAT PARA. 4 SEEMS TO SAY THIS CAN BE AVOIDED IF BOTH PARTIES AGREE. ABSENT AGREEMENT WITH PLAINTIFF, WOULD THAI COURT SEND PAPERS DIRECT TO U.S. DISTRICT COURT, S.D. N.Y.? IF WRITTEN INTERROGATORIES RATHER THAN DEPOSITION PROCEDURE USED, APPEARS POSSIBLE TO AVOID NEED FOR SPECIAL CONSEL (WIPHAT PARA 2).

6. WITH MICOU APPEARANCE RULED OUT, WIPHAT SHOULD CONSIDER AND CONFIRM WHETHER ANY HUNT INTERROGATORIES NEEDED IN ADDITION TO MICOU INTERROGATORIES AND WHETHER ANY BOORADY TESTIMONY NEEDED.

7. FYI OPIC ACTION MESSAGES SHOULD NOT BEAR AIDAC CAPTION.

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